

Article - Criminal Procedure

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§10–243.

(a) Subject fingerprints or other approved forms of positive identification shall be submitted with all requests for criminal history records checks for noncriminal justice purposes.

(b) Each request for a criminal history records check utilizing the national indices made under any approved state statute shall be submitted through that state's criminal history records repository. A state criminal history records repository shall process an interstate request for noncriminal justice purposes through the national indices only if such request is transmitted through another state criminal history records repository or the FBI.

(c) Each request for a criminal history records check utilizing the national indices made under federal authority shall be submitted through the FBI or, if the state criminal history records repository consents to process fingerprint submissions, through the criminal history records repository in the state in which such request originated. Direct access to the National Identification Index by entities other than the FBI and state criminal history records repositories shall not be permitted for noncriminal justice purposes.

(d) A state criminal history records repository or the FBI:

(1) may charge a fee, in accordance with applicable law, for handling a request involving fingerprint processing for noncriminal justice purposes; and

(2) may not charge a fee for providing criminal history records in response to an electronic request for a record that does not involve a request to process fingerprints.

(e) (1) If a state criminal history records repository cannot positively identify the subject of a record request made for noncriminal justice purposes, the request, together with fingerprints or other approved identifying information, shall be forwarded to the FBI for a search of the national indices.

(2) If, with respect to a request forwarded by a state criminal history records repository under paragraph (1) of this subsection, the FBI positively identifies the subject as having a III System-indexed record or records:

(i) the FBI shall so advise the state criminal history records repository; and

(ii) the state criminal history records repository shall be entitled to obtain the additional criminal history records information from the FBI or other state criminal history records repositories.

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